

REMARKS

Reconsideration of this application is respectfully requested in view of the following remarks.

Claims 3-7 are currently pending in the application and subject to examination, claims 1 and 2 having been previously canceled.

Informal Matters

In the Office Action mailed April 17, 2006, claims 5 and 6 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicants respectfully traverse the rejection, as follows.

In making this rejection, the Office Action asserts that it is not clear which drawing the circuit of claim 5 and that of claim 6 read on. The Applicant submits that the circuit diagrams illustrated in Figs. 7-10 illustrate the preferred embodiment of the invention as recited in claims 5 and 6.

Regarding claim 5, the specification discloses at paragraph [0031] that the transistors M3 and M4 have substantially equal source-gate threshold voltages V_{th} . By adjusting the resistance R and the supply voltage VDD, the source-gate voltages of the transistors M3 and M4 can be made substantially equal. For at least this reason, the Applicants respectfully submit that the feature of claim 5, i.e., "a potential difference appearing between the second electrode and control electrode of the second transistor is substantially equal to a potential difference appearing between the second electrode and control electrode of the third transistor" is definite, and withdrawal of the rejection is requested.

Regarding claim 6, the Examiner correctly notes that the second transistor (T3) and the first transistor (M2) of Fig. 8 are not the same type of transistor. In FIG. 8, the transistor T3 is an npn-type bipolar transistor, and the transistor M2 is an N-channel MOSFET. However, claim 6 recites, in part, "wherein the second transistor is a transistor of a same polarity as the first transistor" (emphasis added). Claim 6 does not recite that the first and second transistors are of a same type. Moreover, an npn-type bipolar transistor is of the same polarity as an N-channel MOSFET. Similarly, in each of the circuits shown in Figs. 7-10, the first and second transistors are of a same polarity, regardless of the types of transistors. Thus, the Applicants submit that claim 6 is definite, and withdrawal of the rejection is requested.

In the outstanding Office Action, claims 3-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,624,671 B2 to Fotouhi (hereinafter, "Fotouhi") in view of U.S. Patent No. 6,921,199 B2 to Aota et al. (hereinafter, "Aota"). The Applicant hereby traverses the rejection, as follows.

This application derives priority under 35 U.S.C. § 119 from Japanese Patent Application No. 2003-048369, filed February 26, 2003. A certified copy of the Japanese priority application was filed on May 26, 2004. Receipt of the certified copy of the priority application was acknowledged in the Office Action of June 14, 2005. A verified translation of the priority application into the English language is filed herewith.

Therefore, this application is entitled to an effective filing date of February 26, 2003, which predates the United States filing date of Aota et al.

Accordingly, Aota et al. is not a proper prior art reference to this application. It is respectfully requested that the rejections be withdrawn.

Accordingly, an early Notice of Allowance is respectfully requested.

Conclusion

For all of the above reasons, it is respectfully submitted that claims 3-7 are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 referencing client matter number 103213-00071.

Respectfully submitted,

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Enclosure: Verified English Translation